

## Remarks

The instant application includes pending claims 1-60, which include independent claims 1, 7, 12, 15, 21, 24, 32, 39, 43, and 53. The examiner's several rejections and objections directed at the drawings, the specification, and the claims, all are addressed in the below remarks.

First, the examiner rejects all independent claims under 35 U.S.C. § 102(e) as being anticipated by Tran (U.S. Pat. No. 6,665,284). The examiner's use of Tran as an anticipating reference is inappropriate because Tran does not disclose the present invention as claimed—Tran uses two receiver circuits explicitly to *simultaneously* tune to two different networks—and, more critically, because the instant application's priority date is before the filing date of Tran.

Specifically, the instant application claims priority from U.S. Provisional Application Ser. No. 60/187,547, filed on March 7, 2000—see the Preliminary Amendment filed on Feb. 18, 2001, for the instant application. Because the filing date of Tran is Jul. 31, 2000, which is after the instant application's priority date, the examiner cannot assert Tran as prior art with respect to the instant application. Applicant respectfully requests that the examiner withdraw all claim rejections based on Tran, including the above mentioned anticipation rejections, as well as the obviousness rejections enumerated at Item 9 of the examiner's Detailed Action Letter.

Turning then to other items of concern to the examiner, at Item 1 of the Detailed Action Letter, the examiner objects to the Declaration as originally filed with the instant application. As the undersigned agent explained to the inventor by telephone call of today (April 27, 2004), the Declaration is not defective, and a copy of it as filed is enclosed herewith for the examiner's convenience.

At Item 2 of the Detailed Action Letter, the examiner lists several objections to the drawings. Applicant submits proposed corrections to Fig. 5 herewith that are believed fully to address all such objections.

At Item 3 of the Detailed Action Letter, the examiner objects to the Abstract of the instant

application because of a typographical error. The appropriate corrections to the Abstract are made herein.

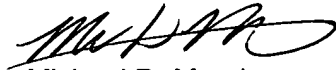
Finally, at Item 4 of the Detailed Action Letter, the examiner objects to claims 22-23, and 55 for various alleged informalities. Each noted informality is corrected by amendments made herein.

In light of the above comments, and in view of the corrections made herein, it is believed that all claims stand in condition for immediate allowance, and reconsideration as such is respectfully requested. As such, Applicant looks forward to the examiner's next correspondence.

Respectfully submitted,

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## ABSTRACT

A wireless network terminal tunes to a high ~~data~~ data rate ("HDR") HDR carrier when in an idle state. The terminal periodically scans a 1xRTT carrier for pages, SMS and other information. Should the scan detect an incoming communication on the 1xRTT carrier, any existing HDR packet session is terminated so that the terminal may tune to the 1xRTT carrier to receive the incoming communication. If the coverage area does not support an HDR carrier, the terminal tunes to the 1xRTT carrier and periodically scans for an HDR carrier.

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FIGURE 5